

U.S. Patent Application Serial No. 09/817,365
Supplemental Amendment filed March 30, 2006

REMARKS

As indicated above, this is a Supplement to the Amendment under 37 CFR §1.111 filed on March 13, 2006. The applicants respectfully submit that no new matter has been added. It is believed that this Response, along with the Amendment filed March 13, 2006, is fully responsive to the Office Action dated December 13, 2005.

In the outstanding Action, claims 1 and 4 - 13 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting based on claims 4 - 11 of Komatsu's co-pending U.S. Serial No. 10/950,489. The applicants respectfully request reconsideration of this rejection.

It is respectfully submitted that an Express Abandonment under 37 CFR 1.138 was filed on March 29, 2006 effectively abandoning U.S. Serial No. 10/950,489 (see, attached copy of this document, as filed). In view of the express abandonment of U.S. Serial No. 10/950,489, the outstanding obviousness-type double patenting rejection based on claims 4 - 11 of U.S. Serial No. 10/950,489 is now moot.

Accordingly, the withdrawal of the outstanding provisional rejection under the judicially created doctrine of obviousness-type double patenting based on claims 4 - 11 of Komatsu's co-pending U.S. Serial No. 10/950,489 is in order, and is therefore respectfully solicited.

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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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MRQ/lrj/ipc

Enclosure: Express Abandonment under 37 CFR 1.138, filed on March 29, 2006,
for U.S. Serial No. 10/950,489

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